

Remarks

The Examiner has allowed claims 14, 17, 18, 26, 31-32, 35-47 and 49-50. The Examiner has also allowed claim 48 if minor informalities are corrected. Claim 34 has been rejected.

This Response includes an amendment to claim 34 and also cancels claim 48 and replaces it with newly added claim 52.

Applicants thank the Examiner for allowance of claims 14, 17, 18, 26, 31-32, 35-47 and 49-50. Applicants respectfully request allowance of claims 34 and 52.

It is noted that the Amendment filed on January 4, 2005 was not entered. Therefore, the claim designations in this amendment are based on the claims as presented prior to the Examiner's October 4, 2004 Office Action.

Claim 34

Pursuant to the voicemail message left by the Examiner on December 28, 2004, claim 34 has been amended to affirmatively claim the cervical collar and clarify that the chin strut is detachable to the chin support to put this claim in condition of allowance. Amended claim 34 now clearly overcomes Garth (US patent 6,315,746). Garth does not disclose a detachable chin strut. To the contrary, Garth provides a riveted attachment or other pivotal or hinged attachment to allow the strut to be temporarily moved (col. 3, lines 58-67 and FIG. 1, refs. 109 and 109A). A patient using Garth's brace who progressed to a point of only needing a collar, or who only needed the collar portion for example when sleeping, would have to obtain another device for that use. Applicants' claimed invention allows the wearer to remove the strut and any chest plate attached when only the collar portion is needed. FIG. 1 and cols. 3 and 4 of the Garth are attached for your convenience.

Claim 48

Claim 48's informalities have been remedied by its replacement by new claim 52. Previously added claim 48 was intended to be original claim 16 rewritten in independent form, as allowed by the Examiner in the June 19, 2002 and March 11, 2003 Office Actions. The Examiner noted in the Final Office Action that a limitation of the original claims on which claim 16 depended was not included in claim 48. Accordingly, Applicants have cancelled claim 48

and provided new claim 52, which is claim 16 rewritten in independent form, including all necessary limitations. New claim 52 also remedies any lack of antecedent basis.

The omission of limitations has been traced to typographical errors on pages 3 and 10 of the response to the March 11, 2003 Office Action. Attached are copies of these pages showing the corrected errors. Please include these corrected pages in the official file.

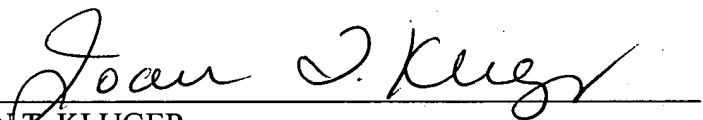
Conclusion

Applicants believe that all pending claims are allowable over the cited prior art and respectfully request early and favorable notification to that effect. Applicants welcome any further discussion regarding the claims to move the case toward allowance.

Respectfully submitted,

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